

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert O. Jacky
Mary Linda Jacky
Debtor(s)

Bankruptcy Case No.: 18-10836-TPA
Per May 7, 2019 Proceeding
Chapter: 13
Docket No.: 43 – 16, 28, 30, 39
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 14, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if fees (including retainer) exceed \$4,000.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: May 9, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Robert O. Jacky
 Mary Linda Jacky
 Debtors

Case No. 18-10836-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 34

Date Rcvd: May 09, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 11, 2019.

db/jdb
 cr
 +Robert O. Jacky, Mary Linda Jacky, 6055 Glade Drive, Erie, PA 16509-2705
 +American Honda Finance Corporation d/b/a Honda Fin, 3625 W. Royal Lane #200,
 Irving, TX 75063-2912
 14900730 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982234, El Paso, TX 79998)
 14900731 +BB&T Credit, PO Box 580435, Charlotte, NC 28258-0435
 14933462 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14925798 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14900733 +Chase, PO Box 15123, Wilmington, DE 19850-5123
 14924493 +Comprehensive Dental Group, LLC, 5158 Peach Street, Suite 110, Erie, PA 16509-2489
 14987929 +Credit Acceptance, 25505 West Twelve Mile Rd, Suite 3000, Southfield MI 48034-8331
 14900734 +Hammerlee Dental Care, 5158 Peach Street, Erie, PA 16509-2489
 14900737 +Kathleen Tucci, 211 Woodridge Drive, Cranberry Twp, PA 16066-5775
 14900738 Key Bank, PO Box 896446, Cleveland, OH 44101
 14904991 +KeyBank N.A. as S/B/M to First Niagara, NA, 4910 Tiedeman Rd, Brooklyn, OH 44144-2338
 14900742 +LL Bean, PO Box 13337, Philadelphia, PA 19101-3337
 14900741 +Lending Club/Comenity Capital Bank, PO Box 659622, San Antonio, TX 78265-9622
 14900744 +Meadville Medical Center, PO Box 4148, Woburn, MA 01888-4148
 14900746 +PNC Bank, PO Box 856177, Louisville, KY 40285-6177
 14939636 +PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101-4982
 14900745 +Paypal, PO Box 5138, Lutherville Timonium, MD 21094-5138
 14900747 +Quicken Loans, PO Box 6577, Carol Stream, IL 60197-6577
 14900748 +Renew Finance, PO Box 809388, Chicago, IL 60680-9388
 14900749 +Transworld Systems Inc, 300 Cedar Ridge Drive, Suite 307, Pittsburgh, PA 15205-1159
 14900750 +UPMC Health Services, PO Box 371472, Pittsburgh, PA 15250-7472
 14929917 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14918464 E-mail/Text: ebnbankruptcy@ahm.honda.com May 10 2019 02:31:38
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,
 Irving, TX 75016-8088
 14906713 +E-mail/Text: bankruptcy@bbandt.com May 10 2019 02:30:49 BB&T, bankruptcy section,
 10-50-01-51, P.O. box 1847, Wilson, NC 27894-1847
 14900732 +E-mail/PDF: gecsedirecoverycorp.com May 10 2019 02:42:10 Care Credit/Synchrony Bank,
 PO Box 960013, Orlando, FL 32896-0013
 14910892 +E-mail/Text: key_bankruptcy_ebnc@keybank.com May 10 2019 02:31:42 KeyBank N.A.,
 4910 Tiedeman Road, Brooklyn, Ohio 44144-2338
 14900740 +E-mail/Text: bncnotices@becket-lee.com May 10 2019 02:30:41 Kohl's, PO Box 2983,
 Milwaukee, WI 53201-2983
 14900743 +E-mail/PDF: gecsedirecoverycorp.com May 10 2019 02:43:41 Lowe's/Synchrony Bank,
 PO Box 530914, Atlanta, GA 30353-0914
 14939554 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 10 2019 02:42:59
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14901523 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 10 2019 02:43:51
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14918775 +E-mail/Text: bankruptcyteam@quickenloans.com May 10 2019 02:31:52 Quicken Loans Inc.,
 635 Woodward Avenue, Detroit, MI 48226-3408
 14940220 +E-mail/Text: bncmail@w-legal.com May 10 2019 02:31:38 SYNCHRONY BANK,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Quicken Loans Inc.
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14900735* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
 (address filed with court: Honda Financial Services, PO Box 65507, Wilmington, DE 19898)
 14900736* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
 (address filed with court: Honda Financial Services, PO Box 65507, Wilmington, DE 19898)
 14900739* Key Bank, PO Box 896446, Cleveland, OH 44101

TOTALS: 1, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-1

User: jmar
Form ID: 149

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Total Noticed: 34

Date Rcvd: May 09, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 11, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 9, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Quicken Loans Inc. bkgroup@kmlawgroup.com
Kenneth M. Steinberg on behalf of Debtor Robert O. Jacky julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@stei
dl-steinberg.com
Kenneth M. Steinberg on behalf of Joint Debtor Mary Linda Jacky
julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@stei
dl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com
William E. Craig on behalf of Creditor American Honda Finance Corporation d/b/a Honda
Financial Services, Administrator for Honda Lease Trust ecfmail@mortoncraig.com,
mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 6